

REMARKS

The Examiner, in paragraph 3 of the Office Action of July 13, 2005, indicates as follows:

3. Claims 1, 4, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Garrett et al. (US 5,325,291).

Regarding claims 1 and 37, Garrett et al. disclose a warning system for an automobile comprising:

a receiving unit in the form of a computer (2000) for receiving a driver's information from a memory device (200) memorizing the driver's information (figure 1, col. 2, lines 53-66);

a memorizing unit in the form of a insurance database (400) for memorizing an automobile insurance information (figure 1, col. 3, lines 7-25);

a determining unit in the form of a computer control means (1000) for determining whether or not the driver is an insurant on the basic of the driver's information and the automobile insurance information (figure 1, col. 3, lines 26-51); and

a warning unit in the form of a display (1500) for warning the driver not to drive when the driver is not insurant (col. 3, lines 55-59).

Regarding claim 4, Garrett et al. disclose the receiving unit (2000) being operative to wirelessly receive the driver's information from the memory device (figure 1).

In response to Examiner's indication in paragraph 3 of the Office Action of July 13, 2005, claims 1 and 37 have been amended, claims 2 and 38 have been cancelled. The present invention defined in each of currently amended claims 1 and 37 is patentably distinguishable over the disclosure of the cited document (U.S. Patent No. 5,325,291) "Garrett et al." by the following reasons.

The constituent features of the warning apparatus defined in currently amended claim 1 are as follows:

- (1a) a receiving unit for receiving a driver's information from a memory device memorizing the driver's information;
- (1b) a memorizing unit for memorizing an automobile insurance information;
- (1c) a determining unit for determining whether or not the driver is an insurant on the basis of the driver's information and the automobile insurance information;
- (1d) a warning unit for warning the driver not to drive the automobile when the determining unit has determined that the driver is not the insurant; and

(1e) a permission signal producing unit for producing a permission signal to allow the driver to operate the automobile when the determining unit has determined that the driver is the insurant.

The advantages of the warning apparatus defined in currently amended claim 1 are as follows:

(I) The warning apparatus can warn the driver not to drive the automobile when the driver is not an insurant.

(II) The warning apparatus can allow the driver to operate the automobile when the driver is an insurant. More specifically, the warning apparatus can allow the automobile to be started and operated by the driver who is qualified as an insurant, and prevent the automobile from being started and operated by the driver who is not qualified as an insurant.

As will be seen from the elements (1d) and (1e) of currently amended claim 1, the warning apparatus is characterized by comprising a warning unit for warning the driver not to drive the automobile when the determining unit has determined that the driver is not the insurant, and a permission signal producing unit for producing a permission signal to allow the driver to operate the automobile when the determining unit has determined that the driver is the insurant.

Garrett et al., on the other hand, teach a system in which *the records 201, 401 in databases 200, 400 can be compared by computer control means in the form of a software program 1000 so that preselected comparisons can be made between the records 201, 401 in the State 200 and insurance 400 databases.* However, Garrett et al. fail to teach a warning apparatus which comprises a warning unit for warning the driver not to drive the automobile when the determining unit has determined that the driver is not the insurant, and a permission signal producing unit for producing a permission signal to allow the driver to operate the automobile when the determining unit has determined that the driver is the insurant. The warning apparatus defined in currently amended claim 1 is completely different in construction from the disclosure of the cited document "Garrett et al."

Further, the warning apparatus defined in currently amended claim 1 can expect the advantages that the automobile is allowed to be started and operated by the driver who is qualified as an insurant, and prevented from being started and operated by the driver who is not qualified as an insurant. However, the system disclosed in the cited document "Garrett et al." cannot expect the advantages of the warning apparatus defined in currently amended claim 1, resulting from the fact that Garrett et al. fail to teach a warning apparatus which comprises a warning unit for warning the driver not to drive the automobile when the determining unit has determined that the driver is not the insurant, and a permission signal producing unit for producing a permission signal to allow the driver to operate the automobile when the determining unit has determined that the driver is the insurant.

It will, therefore, be appreciated from the foregoing description that the warning

apparatus defined in currently amended claim 1 is patentably distinguishable over the disclosure of the cited document "Garrett et al."

Claims 3 to 7 are dependent on currently amended claim 1 which is believed to be patentably distinguishable over the disclosure of the cited document "Garrett et al." as will be understood from the previously mentioned reasons.

The following description will be then directed to currently amended claim 37.

The constituent features of the warning apparatus defined in currently amended claim 37 are as follows:

- (37a) a receiving unit for receiving said driver's information from the memory device;
- (37b) a memorizing unit having automobile insurance information on a requirement for being insurant;
- (37c) a first determining unit for determining whether or not the personal details are conformable to the contract basis of the automobile insurance by comparing the driver's information received by the receiving unit with the automobile insurance information memorized in the memorizing unit;
- (37d) a warning unit for warning the driver on the basis of results determined by the first determining unit when the first determining unit is operated to determine that the personal details are not conformable to the contract basis of the automobile insurance; and
- (37e) a permission signal producing unit for producing a permission signal to permit the driver to operate the automobile when the first determining unit is operated to determine that the personal details are conformable to the contract basis of the automobile insurance.

The advantages of the warning apparatus defined in currently amended claim 37 are as follows:

- (I) The warning apparatus can warn the driver on the basis of results determined by the first determining unit when the determination is made that the personal details of the driver are not conformable to the contract basis of the automobile insurance.
- (II) The warning apparatus can allow the automobile to be started and operated by the driver when the determination is made that the personal details of the driver are conformable to the contract basis of the automobile insurance, and prevent the automobile from being started and operated by the driver when the determination is made that the personal details of the driver are not conformable to the contract basis of the automobile insurance.

As will be seen from the elements (37d) and (37e) of currently amended claim 37, the warning apparatus is characterized by comprising a warning unit for warning the driver on the basis of results determined by the first determining unit when the first determining unit is operated to determine that the personal details are not conformable to the contract basis of the automobile insurance; and a permission signal producing unit for producing a permission signal to permit the driver to operate the automobile when the first determining unit is operated to determine that the personal details are conformable to the contract basis of the

automobile insurance.

Garrett et al., on the other hand, teach a system in which *the records 201, 401 in databases 200, 400 can be compared by computer control means in the form of a software program 1000 so that preselected comparisons can be made between the records 201, 401 in the State 200 and insurance 400 databases.* However, Garrett et al. fail to teach a warning apparatus which comprises a warning unit for warning the driver on the basis of results determined by the first determining unit when the first determining unit is operated to determine that the personal details are not conformable to the contract basis of the automobile insurance; and a permission signal producing unit for producing a permission signal to permit the driver to operate the automobile when the first determining unit is operated to determine that the personal details are conformable to the contract basis of the automobile insurance. The warning apparatus defined in currently amended claim 37 is completely different in construction from the disclosure of the cited document "Garrett et al."

Further, the warning apparatus defined in currently amended claim 37 can obtain the advantages that the automobile is allowed to be started and operated by the driver when the personal details of the driver are conformable to the contract basis of the automobile insurance, and prevented from being started and operated by the driver when the personal details of the driver are not conformable to the contract basis of the automobile insurance. However, the system disclosed in the cited document "Garrett et al." cannot expect the advantages of the warning apparatus defined in currently amended claim 37, resulting from the fact that Garrett et al. fail to teach a warning apparatus which comprises a warning unit for warning the driver on the basis of results determined by the first determining unit when the first determining unit is operated to determine that the personal details are not conformable to the contract basis of the automobile insurance; and a permission signal producing unit for producing a permission signal to permit the driver to operate the automobile when the first determining unit is operated to determine that the personal details are conformable to the contract basis of the automobile insurance.

It will, therefore, be appreciated from the foregoing description that the warning apparatus defined in currently amended claim 37 is patentably distinguishable over the disclosure of the cited document "Garrett et al."

Claims 39 to 41 are dependent on currently amended claim 37 which is believed to be patentably distinguishable over the disclosure of the cited document "Garrett et al." as will be understood from the previously mentioned reasons.


In view of the foregoing description, it is respectfully submitted that the present application is thus in condition for allowance.

Appl. No. 10/693,063
Amdt. Dated October 13, 2005
Reply to Office action of July 13, 2005

If any fees are required by this communication, please charge such fees to our
Deposit Account No. 160820, Order No. 36215.

Respectfully submitted,

PEARNE & GORDON LLP

By 
James M. Moore, Reg. No. 32923

1801 East 9th Street, Suite 1200
Cleveland, OH 44114-3108
(216) 579-1700

Date: October 13, 2005